

9 August 2013

Colleen Rathbone (8P-W-WW)  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Re: Comments on Permit Number WY-0025232, Wesco Operating, Inc.

Dear Ms. Rathbone:

Please find attached my comments in response to the subject NPDES discharge permit. I am available at 307-349-7429, or email [ouia@yahoo.com](mailto:ouia@yahoo.com) if you need further clarification on my comments.

Thank you,

Jolene M. Catron  
P.O. Box 2031  
Fort Washakie, WY 82514  
(Enrolled Tribal Member of the Navajo Nation, living in Lander, WY, and working among the tribal communities of the Wind River Reservation.)

## STATEMENT OF BASIS

### Overall Comments

Due to local news reporting on this permit renewal, there has been increased tribal member interest in this process, but probably not a lot of comments from individual tribal members will be received. EPA Region 8 should consider this permit a “priority permit” and initiate best practices that have been developed in support of EPA’s Plan EJ 2014. Extending the public comment period is one tactic that can be used, but should NOT be the only tactic that EPA makes available in support of increased public involvement.

This document is an extremely difficult read at a layman’s perspective, and clearly raises environmental justice concerns. For example, the measurements used to show limits are not defined, nor are they presented in a consistent manner (e.g., ug/L and µg/L); abbreviations are not defined; tables in the permit itself are not numbered. If EPA is soliciting public comments from a tribal community, these permit documents need to be more easily available and readable.

While it is not my intention to create an onerous permitting situation for the energy producer, Wesco, that would cause them to go out of business or stop production on the Reservation, (which in turn could impact the monthly royalty rate that funds the tribal governments and is distributed per capita to tribal members), I am an advocate for more public involvement in this permitting process and allowing tribal members ample opportunity (both created and through their own initiative) to participate in this permitting process. I am also aware of the environmental concerns that renewal of the permit creates and personally feel that tribal members shouldn’t have to pay with their individual and community health in order to maintain an important income stream in an area of low employment and high poverty rates.

### Background Information

(Third paragraph) This paragraph regarding the process of the separation tanks needs more information. What are “emulsion breaking chemicals”? Are these chemicals part of the of the production stream that is being permitted and what are their effects on the environment? Do the settling ponds only allow for skimming oil, or are they of sufficient technology to take out mercury and other constituents of concern?

(Page 2, location map) I showed this map to a few friends who grew up here and are very familiar with the Reservation. Not one of my friends could locate where the Winkleman Dome Facility is located on the land according to this map. There are no roads of reference, nor does the map indicate where the produced water joins the Bighorn Draw and where the Draw empties into the Little Wind River.

(Page 3, Flow Diagram figure) The abbreviations on this map need to be defined. The terms used to describe the individual stations along the flow diagram need to be defined. More information needs to be provided regarding the treatment ponds.

### Receiving Waters

(First paragraph) The location map does not indicate where the outfall is located in relation to the Bighorn Draw and where the Draw empties into the Little Wind River. Is this area upstream or downstream from the Northern Arapaho Utilities, where their diversion is located for the community drinking water system?

There is no discussion about the importance of ephemeral streams in an arid area, especially because ephemeral streams often provide a source of food and water for wildlife in a very dry area, move debris and sediment through the watershed system, and move large amounts of water in flood events.

There is only discussion about the SURFACE water, and not a discussion about the groundwater impacts. The Water Code of the Eastern Shoshone and Northern Arapaho Tribes recognizes the interconnectedness of the surface water to groundwater: (from Chapter 1, Findings and General Provisions) “2. The Tribes find that surface and ground water are directly interconnected by the hydrologic cycle of the region of and the Reservation, and therefore water is a unitary resource, whether occurring as ground water, springs, mineral water, soil moisture, precipitation, percolating water, recharge, drainage waters, surface water, or otherwise.”

This section indicates that the produced water supports wetlands and wildlife habitats and provides water for livestock. However, Tribal water standards indicate that traditional use plants are located in the area. These plants could be used in direct contact with tribal members who harvest the plants for traditional use. If these existing wetlands areas are the first receivers of the produced water, couldn't additional wetlands be created and fenced in to act as an environmental buffer to the existing wetlands.

I feel that EPA's federal trust responsibility should be towards the protection of human life, and not towards providing a source of drinking water for cows.

### Inspections

There is no discussion provided about the outcome of EPA's inspections and Wesco's response, other than mentioning that photographs are provided in the “inspection document records.” How does the public access these records? More information needs to be provided about the outcome of the inspection and Wesco's response.

### Water Quality Based Effluent Limitations

The Eastern Shoshone and Northern Arapaho Tribes have applied for Treatment in the Same Manner as a State (TAS) for their air quality standards. This process has been delayed for many years in EPA's legal review. From what I understand, the Tribes have not yet applied for TAS status for water quality. EPA's long, drawn-out TAS process has weakened the ability of the Tribes to protect natural resources within the exterior boundaries of the Reservation, as a function of their sovereignty. Thus, it is

important that EPA respect and consider the water quality standards established by the Tribes through their own governmental processes.

Table 1. Please define the difference between acute and chronic standards.

#### Reasonable Potential Evaluation

Sulfide FAR EXCEEDS the chronic standard, as presented on Table 5 (chronic standard 0.002 mg/L and maximum reported level is 82 mg/L). The permit allows Wesco 3 years to implement actual sulfide reduction. While Wesco works on reducing this constituent, what are intermediate steps that can be taken towards reduction of sulfide in the water? Because the produced water is discharged to an ephemeral stream, there is little dilution that occurs. This allows sulfide (and other toxics) to build up on soils. Monitoring should be established around large snow and flood events that would impact the sulfide concentrations in the immediate soils.

#### Organic Compounds: Benzene

Benzene is a known carcinogen that causes cancer in humans. Even though the receiving ephemeral stream has not been determined a drinking water source by the Tribes, I feel it is EPA's trust responsibility to protect human health of the tribal communities. Therefore, EPA should not permit ANY level of benzene to be discharged to the ephemeral stream, especially because there is no determination made for flood events/climate change, groundwater and soil impacts, or a determination of the length of the permit. Assuming that efforts required to reduce other pollutants will also reduce benzene is an assumption that is not protective enough of human health.